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ENVIRONMENTAL
HEARINGS OFFICE

BEFORE THE FOREST PRACTICES APPEALS BOARD

STATE OF WASHINGTON

THE TULALIP TRIBES OF
WASHINGTON,

Appellant,

v.

DEPARTMENT OF NATURAL
RESOURCES,

Respondents.

NO. 94-30

MOTION, STIPULATION
AND ORDER OF DISMISSAL

MOTION

The parties in the above-entitled appeal, appellant TULALIP TRIBES OF WASHINGTON, by and through its attorney, MASON D. MORISSET, and respondent State of Washington Department of Natural Resources, by and through its attorneys CHRISTINE O. GREGOIRE, Attorney General, and JOHN E. JUSTICE, Assistant Attorney General, move the Forest Practices Appeals Board ("FPAB") for an order dismissing this action. This motion is based upon the stipulation contained herein.

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STIPULATION

In consideration of full settlement of the above-entitled appeal, the parties agree as follows:

1. The Department of Natural Resources approved FPA 1918924 on August 23, 1994.

2. The above captioned appeal was filed with the FPAB on September 22, 1994.

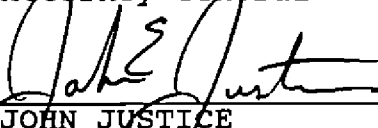
3. The appellants did not file a motion for a temporary stay of the approval in conjunction with their appeal. The harvest continued to completion in early October.

4. In the spirit of cooperation, representatives from the Department agree to meet with representatives of the Tulalip Tribes of Washington to listen to their concerns regarding the impacts of timber harvest activities on the Deer Creek watershed.

5. In consideration of the foregoing, the parties agree that no issues of controversy remain and the appeal should be dismissed.


DATED this 28th day of November, 1994.

CHRISTINE O. GREGOIRE
Attorney General



JOHN JUSTICE
Assistant Attorney General
WSBA NO. 23042
Attorneys for Respondent
Dept. of Natural Resources

PIRTLE, MORISSET, SCHLOSSER
& AYER



MASON D. MORISSET
Attorney at Law
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Attorney for Appellant
Tulalip Tribes of Washington

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2 AYER

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4 MASON D. MORISSET

5 Attorney at Law

6 WSBA No. 00273

7 Attorney for Appellant

8 Tulalip Tribes of Washington
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1 ORDER

2 THIS MATTER, having come before the Forest Practices Appeals
3 Board and the Honorable William A. Harrison, Administrative
4 Appeals Judge, based on the foregoing stipulation and motion to
5 dismiss, now therefore,

6 IT IS HEREBY ORDERED that there remain no issues in
7 controversy between the parties in the above-entitled appeal and
8 the appeal is therefore dismissed.

9 DONE this 12th day of December, 1994..

10 William A. Harrison
11 THE HONORABLE WILLIAM A. HARRISON

12
13 BOARD MEMBERS

14 Norman L. Winn
15 MR. NORMAN L. WINN, Chair

16 Martin R. Kaatz
17 DR. MARTIN R. KAATZ, Member

18 Robert Quoidbach
19 MR. ROBERT QUOIDBACH, Member
20

21 Presented by:
22 CHRISTINE O. GREGOIRE
23 Attorney General

24 John E. Justice
25 JOHN E. JUSTICE
26 Assistant Attorney General
WSBA No. 23042
Attorney for Respondent
Department of Natural resources